

The Government's replies at Dkt. Nos. 112 and 116 will not be considered and shall be struck from the docket. Dkt. No. 107 is an Order of the Court and is improperly identified in Defendant's motion. The Clerk of Court is respectfully directed to strike Dkt. Nos. 112 and 116 and to close the motion at Dkt. No. 117.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

Dated: February 12, 2024

New York, New York

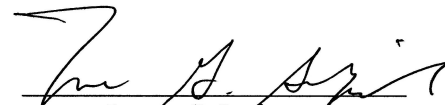
LETTER MOTION

-against-

IND# 22-CR-692 (LGS)

LAMOR WHITEHEAD,

Defendant.
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LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

Your Honor,

Through this letter counsel Dawn M. Florio, Esq. writes to the Court regarding the Government's Reply in Support of its Motions in Limine, Docket Entry 116.

On February 7, 2024, the Government filed a reply to the defense motion in limine response without leave from the Court. Not only was no schedule for a reply set, and none authorized, a reply was specifically precluded by the Court's individual rules and scheduling order.

The Court's Individual Trial Rules and Procedures¹ clearly and unambiguously state, at Rule I(A)(2), *In Limine Motions*, that "[n]o reply briefs shall be filed." Additionally Docket Entry 103, which lays out the schedule for pretrial motions again states, clearly and unambiguously, "[n]o reply briefs shall be filed." Despite this the Government has filed a reply in direct contravention of the Court's scheduling order and individual rules. The Government has done this without leave from the Court, without filing a letter requesting leave from the Court, and without any reasoning or justification as to why a reply should be allowed.

This is now the second time the Government has filed a reply without leave from the Court. The scheduling order for the Defendant's Rule 16 motion, Docket Entry 107, did not lay out a deadline for, or contemplate, a reply from the Government. Despite that the Government filed such a reply without leave from the Court.

Worryingly it has been reported that at least one member of the media has reached out to Mr. Whitehead regarding both unauthorized replies. This is a press case involving public figures, finding an unbiased jury pool already poses difficulties in a case such as this.

We therefore request that the Government's replies, Docket Entry 107 and 116, be disregarded by the Court and withdrawn from the docket, as well as any other just or further relief which the Court deems appropriate.

¹https://www.nysd.uscourts.gov/sites/default/files/practice_documents/LGS%20Schofield%20Individual%20Trial%20Rules%20LGS%20%28updated%2012.11.2023%29.pdf